



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,132	07/11/2001	Craig S. Skinner	035451-0139 (3664.Palm)	9538

26371 7590 01/05/2004
FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308

EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,132

Applicant(s)

SKINNER ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Johnson et al. (U.S. Patent No. 5,553,094).

Regarding claim 1, Weiner discloses a housing (fig.5, element 80; page 7, paragraph 0071).

Weiner further discloses a display supported by the housing (fig.5, element 84; page 7, paragraph 0072).

Weiner further discloses a controller (i.e., microprocessor) coupled to the display (fig.7, element 100).

Weiner further discloses a memory coupled to the controller (i.e., microprocessor) (fig.7, element 102).

Weiner further discloses a radio frequency transceiver coupled to the microprocessor and configured to establish and maintain a wireless link with a communications network for sending and receiving data (fig.7, element 104; page 8, paragraph 0077).

Weiner further discloses a radio frequency transceiver coupled to the microprocessor and configured to establish and maintain a wireless link with a communications network for sending and receiving data (fig.7, element 104; page 8, paragraph 0077).

Art Unit: 2645

Weiner further discloses a program stored in the memory and configured to automatically establish the wireless link with the communications network at a time approximating a predetermined time (fig.7, element 104; page 9, paragraphs 0084, 0085, 0088).

Weiner fails to teach "the program configured to select at random a time within a predetermined interval to establish the wireless link, the predetermined interval being at least one of adjacent and around the predetermined time". Johnson teaches the program configured to select at random a time within a predetermined interval to establish the wireless link, the predetermined interval being at least one of adjacent and around the predetermined time (col.8, lines 19-22, col.14, lines 45-56). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weiner to have the program configured to select at random a time within a predetermined interval to establish the wireless link, the predetermined interval being at least one of adjacent and around the predetermined time as taught by Johnson. The motivation for the modification is to have doing so in order to simplify network operations as well as to reduce costs.

3. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Johnson et al. (U.S. Patent No. 5,553,094) and further in view of Astrom et al. (U.S. Patent No. 6,169,881).

Regarding claims 2-5, Weiner in view of Johnson fails to teach that the predetermined interval is either a 30 minute interval, a 10 minute interval, a 5 minute interval or a default time. Astrom teaches that the predetermined interval is any time (i.e., either a 30 minute interval, a 10 minute interval, a 5 minute interval or a default time) (col.12, lines 55-67, col.13, lines 1-7, 33-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention

Art Unit: 2645

was made to modify Weiner in view of Johnson to allow the predetermined interval being either a 30 minute interval, a 10 minute interval, a 5 minute interval or a default time as taught by Astrom. The motivation for the modification is to have doing so in order to obtain a plurality of samples that sufficiently represent the location of satellites with respect to the location of the terminal.

Regarding claims 6 and 7, Weiner in view of Johnson fails to teach that the default time is in the range of 6:00 a.m. to 9:00 a.m. Astrom teaches that the default time is any time (i.e., in the range of 6:00 a.m. to 9:00 a.m.) (col.12, lines 55-67, col.13, lines 1-7, 33-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weiner in view of Johnson to allow the default time being in the range of 6:00 a.m. to 9:00 a.m. as taught by Astrom. The motivation for the modification is to have doing so in order to obtain a clear status within the default time interval.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Johnson et al. (U.S. Patent No. 5,553,094) and further in view of Owensby (U.S. Patent No. 6,647,257).

Regarding claim 8, Weiner in view of Johnson fails to teach that the program is configured to cause registration with a messaging service provider server when the wireless link is established. Owensby teaches that the program is configured to cause registration with a messaging service provider server when the wireless link is established (col.4, line 55-col.5, line 1-7). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weiner in view of Johnson to allow the program is configured to cause registration with a messaging service provider server when the wireless link is established as

Art Unit: 2645

taught by Owensby. The motivation for the modification is to have doing so in order to acquire and route communications initiated or received by the subscriber's personal wireless mobile phone.

5. Claims 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 5,553,094) and in view of Weiner et al. (U.S. Pub. No. 2003/0206116).

Regarding claim 9, Johnson teaches selecting a predetermined time (col.8, lines 19-22, col.14, lines 45-56).

Johnson further teaches selecting an interval that is at least one of adjacent and around the predetermined time (col.8, lines 19-22, col.14, lines 45-56).

Johnson further teaches choosing at random a link time within the interval (col.8, lines 19-22, col.14, lines 45-56).

Johnson fails to teach "attempting to establish a wireless link with the communications network at the link time". Weiner teaches attempting to establish a wireless link with the communications network at the link time (page 9, paragraphs 0084, 0085, 0088). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to establish a wireless link with the communications network at the link time as taught by Weiner. The motivation for the modification is to have doing so in order to provide the local patient monitoring.

Regarding claim 11, Johnson fails to teach "the wireless link is used for providing an e-mail messaging service". Weiner teaches that the wireless link is used for providing an e-mail messaging service (page 5, paragraph 0060, page 6, paragraph 0063). Thus, it would have been

Art Unit: 2645

obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to the wireless link is used for providing an e-mail messaging service as taught by Weiner. The motivation for the modification is to have doing so in order to view the patient data using web browsers.

Regarding claim 12, Johnson teaches the wireless link is a radio frequency (RF) communications link (col.6, lines 64-67, col.7, lines 1-10).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 5,553,094) and in view of Weiner et al. (U.S. Pub. No. 2003/0206116) and further in view of Owensby (U.S. Patent No. 6,647,257).

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claim 8.

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S. Patent No. 5,553,094) and in view of Weiner et al. (U.S. Pub. No. 2003/0206116) and further in view of Astrom et al. (U.S. Patent No. 6,169,881).

Regarding claim 13-16 are rejected for the same reasons as discussed above with respect to claims 2, 6, 5 and 7 simultaneously.

8. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Gollnick et al. (U.S. Patent No. 5,940,771).

Regarding claim 17, Weiner discloses a communications network (fig.2).

Weiner further discloses a portable electronic device including a transceiver configured to establish a wireless link to the communications network (fig.7, element 104; page 8, paragraph 0077).

Weiner fails to teach "the portable electronic device including a wake mode in which the wireless link is established and messages may be sent and received by the portable electronic device and a sleep mode in which the wireless link is not established and messages may not be sent and received by the portable electronic device, the portable electronic device including a program to randomly select a time to transition from the sleep mode to the wake mode during a predetermined time interval". Gollnick teaches that the portable electronic device including a wake mode in which the wireless link is established and messages may be sent and received by the portable electronic device and a sleep mode in which the wireless link is not established and messages may not be sent and received by the portable electronic device, the portable electronic device including a program to randomly select a time to transition from the sleep mode to the wake mode during a predetermined time interval (abstract; col.34, lines 31-45, col.37, lines 14-26, col.39, lines 40-53, col.41, lines 40-53). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Weiner to have the portable electronic device including a wake mode in which the wireless link is established and messages may be sent and received by the portable electronic device and a sleep mode in which the wireless link is not established and messages may not be sent and received by the portable electronic device, the portable electronic device including a program to randomly select a time to transition from the sleep mode to the wake mode during a predetermined time interval as taught by Gollnick. The motivation for the modification is to have doing so in order to conserve power.

Regarding claim 25, Weiner discloses that the portable electronic device is a handheld computer (fig.5).

Art Unit: 2645

9. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Gollnick et al. (U.S. Patent No. 5,940,771) and further in view of Astrom et al. (U.S. Patent No. 6,169,881).

Regarding claim 18-23 are rejected for the same reasons as discussed above with respect to claims 2-7 simultaneously.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner et al. (U.S. Pub. No. 2003/0206116) and in view of Gollnick et al. (U.S. Patent No. 5,940,771) and further in view of Owensby (U.S. Patent No. 6,647,257).

Regarding claim 24 is rejected for the same reasons as discussed above with respect to claim 8.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Application/Control Number: 09/903,132

Page 9

Art Unit: 2645

M.E.

MD SHAFIUL ALAM ELAHEE

December 27, 2003

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER
for
Fan Tsang